GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted on the Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District on 03-06-2016 – Allegations of Corruption – Initiation of Disciplinary Proceedings against Sri P.Smithner, Assistant Commercial Tax Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.302 **Dated:02-03-2020**

Read the following:

1. From DG, ACB, Lr.Rc.No.79/DCS-VGT/2014-S.17, dt:20-03-2017.
2. G.O.Ms.No.69, Revenue (Vig.II) Department, dt.02-03-2020.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 2nd read above, it is considered necessary to hold an enquiry against Sri P.Smithner, Assistant Commercial Tax Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri P.Smithner, Assistant Commercial Tax Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri P.Smithner, Assistant Commercial Tax Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri P.Smithner, Assistant Commercial Tax Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be

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presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri P.Smithner, Assistant Commercial Tax Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District (w.e, Annexures-I to IV) **through** the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Chief Commissioner of State Tax, Andhra Pradesh, Eeedpugallu, Vijayawada.

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Deputy Commissioner, Commercial Taxes, Guntur District.

SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI PASALA SMITHNER S/O FRANKLIN RAJA BUSHANAM, ASSISTANT COMMERCIAL TAX OFFICER, BOARDER CHECK POST OF COMMERCIAL TAXES, PONDUGALA, GUNTUR DISTRICT.

That Sri Pasala Smithner, S/o Franklin Raja Bushanam, has joined in Government Service on 23-11-2013 as Asst. Commercial Tax Officer (U/T) and worked at O/o CTO, Narasaraopet, Guntur District from 23-05-2013 to 22-11-2013. After completion of training he is working as regular ACTO in the same office since 23-11-2013, he was deputed to Boarder Check Post of Commercial Taxes, Pondugala, Guntur District from 21-03-2016 to 03-06-2016. While working as Asst. Commercial Tax Officer at Boarder Check Post of Commercial Taxes, Pondugala, Guntur District between 21-03-2016 and 03-06-2016, he committed grave misconduct in as much as

Charge-1 :

He along with his staff are collecting bribes/mamools from the Transport Goods vehicle drivers/owners at the check post and on the day of surprise check, he was in possession of Rs.9,500/- in his table desk, for which he could not properly account for

Charge No.2 :

He did not enter particulars of personal cash in Personal cash Register.

Thus, Sri Pasala Smithner, Assistant Commercial Tax Officer, Boarder Check Post of Commercial Taxes, Pondugala, Guntur District by his above-mentioned acts, has exhibited lack of integrity, devotion to duty and conducts unbecoming Member of State Government Service and thereby violated Rule 3 (1) & (2), 9(8)(A) & 9(8)(B) of Andhra Pradesh Civil Services (conduct) Rules 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OF MISBEHAVOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI PASALA SMITHNER S/O FRANKLIN RAJA BUSHANAM, ASSISTANT COMMERCIAL TAX OFFICER, BOARDER CHECK POST OF COMMERCIAL TAXES, PONDUGALA, GUNTUR DISTRICT.

That Sri Pasala Smithner s/o Franklin Raja Bushanam, ACTO is a native of Sattenapalli, Guntur District. His date of birth is 05-07-1983 and he joined in Government Service on 23-11-2013 as Asst. Commercial Tax Officer (U/T) and worked at O/o CTO, Narasaraopet, Guntur District from 23-05-2013 to 22-11-2013. After completion of training he is working as regular ACTO in the same office since 23-11-2013, he was deputed to Boarder Check Post of Commercial Taxes, Pondugala, Guntur District for the period from 21-03-2016 to 03-06-2016. While working as Asst. Commercial Tax Officer at Boarder Check Post of Commercial Taxes, Pondugala, Guntur District between 21-03-2016 and 03-06-2016, he is drawing basic pay of Rs.32,340/- in the time scale pay of Rs. 28940 - 78910/-. His date of attaining superannuation is 31-07-2043. He is here in after referred to as Government Servant (G.S-1).

FACTS IN EVIDENCE:

On credible information that the officials of Commercial Tax Department of Boarder Check Post of Commercial Tax Department at Pondugula Village, Dachepalli Mandal, Guntur District on Addanki-Narkatpalli State High Way were collecting bribes from the Drivers/Owners of Transport Goods Vehicles, the Deputy Superintendent of Police, Anti-Corruption Bureau, Guntur District organized a Surprise Check on the said check post along with his staff in the presence of two mediators on 03-06-2016 from 21.00 hrs to 04.00 hrs on 04-06-2016.

While proceeding to Check Post, the Deputy Superintendent of Police informed to the Administrative Officer of the Check Post over phone that to be present at the Check Post.

After reaching near the check post the Surprise check party and mediators took vantage positions in and around the said Boarder Check Post and watched the activities of the staff and noticed that one person is stopping transport goods vehicles by whistling, taking away the drivers/cleaners of the transport goods vehicles to inside of the check post and in turn staff of check post who are 6 in number collecting some money from them even without verifying records. When some of the drivers/cleaners of the transport goods vehicle are denying to pay money to the staff, the staff are forced them to pay the amounts otherwise they will impose compounding fees. At 9 p.m. the Deputy Superintendent of Police, and the surprise check party surprised the check post and found the Government Servant and other staff of the check post and also 6 transport vehicle drivers.

Then the Deputy Superintendent of Police got searched the staff of the check post by mediators and found an amount of Rs.390/- with the Government Servant. When the Deputy Superintendent of Police asked the Government Servant about the said amount he stated that is his personal amount.

Then the Deputy Superintendent of Police asked Government Servant about the personal cash Register and that he produced the Personal Cash Register that has been maintaining in the check post.

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On perusal, of the register it is found that the present shift personal cash particulars were not entered in the Register. The register has 354 sheets. At sheet No. 13 the particulars of 8 am to 8 pm shift staff were entered. According to Personal Cash Register, personal cash for the staff of the present shift personnel did not enter particulars of personal cash in the register.

The original Personal Cash Register was seized by the Deputy Superintendent of Police for further enquiry duly attested by the Deputy Superintendent of Police as well as mediators.

Meanwhile, the Administrative Officer of the check post by name Sri Ande Santha Ram S/o. Punnaiah, Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur district attended before the Deputy Superintendent of Police.

Thereafter the Deputy Superintendent of Police got searched the premises of Check post in the presence of mediators and Administrative Officer of check post. During the said search an amount Rs.9,500/- was found in the table desk of the Government Servant.

When the Deputy Superintendent of Police, Anti Corruption Bureau questioned the Government Servant about the presence of the said cash, he could not account for the same. Hence, the said cash was seized by the Deputy Superintendent of Police.

When the Deputy Superintendent of Police examined the 6 transport goods drivers, they stated that the check post staff are collecting Rs.150/- each for stamping on transit pass. Further check post staff demanding money from other lorry drivers. They further said that on 03-06-2016 at about 9 p.m., their vehicles were stopped by check post staff and demanding money. Mean while Anti Corruption Bureau authorities surprised the check post.

Then the Deputy Superintendent of Police verified the Attendance Register of the staff. As per the register on 03.06.2016 from 8 pm to 8 am on 04.06.2016 shift 1 Assistant Commercial Tax Officer, 2 Senior Assistant, 3 Junior Assistant, and 1 office subordinate are present. 1 Assistant Commercial Tax Officer, 1 Junior Assistant and 1 Office subordinate are shown on leave.

Sri Ande Santha Ram, Administrative Officer of Check Post stated that Check post staff are empowered to collect only tax, penalty and C-fees on defective document vehicles. He further stated that all the staff present in the check post are jointly responsible for the unaccountable cash found if any and etc., facts.

Thus, the Government Servant by his above-mentioned acts, exhibited lack of integrity, devotion to duty and conduct unbecoming of a member of Government service and contravened Rule 3(1) 86 (2), 9(8)(A) and 9(8)(B) of Andhra Pradesh Civil Services (conduct) Rules 1964.

Thus Government Servant therefore rendered himself liable for regular Departmental Action.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI PASALA SMITHNER S/O. FRANKLIN RAJA BUSHANAM, ASSISTANT COMMERCIAL TAX OFFICER, BOARDER CHECK POST OF COMMERCIAL TAXES, PONDUGALA, GUNTUR DISTRICT.

1. Mediators' report (Surprise Check Proceedings) in SC.No.05/SC-ACBGNT/2016 of ACB, Guntur, drafted on 03-06-2016 at Commercial Taxes Boarder Check Post, Pondugula, Dachepalli Mandal of Guntur District.
2. Original Personal Cash Register.
3. Letter in RC.No.D2/80/2016 dt. 21.06.2016 of Deputy Commissioner (CT), Guntur-II Division, Guntur.
4. Proceeding of the Deputy Commissioner (CT), Guntur Dvn., Guntur in Rc. No. 245/2013/A4 dt. 17.03.2016.
5. Proceedings in Rc. No. 3/2015/AO/BCP. Pondugala dated 31.05.2016 of Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugala.
6. If any document found necessary they will be produced at the time enquiry.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESSES BY WHOM ARTICLES OF CHARGES FRAMED AGAINST SRI PASALA SMITHNER S/O. FRANKLIN RAJA BUSHANAM, ASST. COMMERCIAL TAX OFFICER, BOARDER CHECK POST OF COMMERCIAL TAXES, PONDUGALA, GUNTUR DISTRICT.

1. Sri Thottempudi Venkata Seshaiah, s/o Narasaiah, aged 54 yrs, Deputy Executive Engineer, Housing Corporation, Prathipadu Sub-Division, Guntur district R/o Flat No. 406, Sri Ram Residency, 3rd lane, Syamala Nagar, Guntur. (Mediator -I)
2. Sri Junnuru Babu Rao s/o Venkateswarlu, aged 49 yrs, Asst. Engineer, Housing Corporation, Pedanandipadu, Guntur district R/o 5th line, Hanuman Nagar, AT Agraharam, Guntur. (Mediator-II)
3. Sri Reddimoni Shiva Kumar s/o Mallaiah, aged 26 yrs, Driver of lorry No. AP29 TB 7371, Rangedapalli village, Choutappal Mandal, Nalgonda District.
4. Sri Shaik Saleem s/o Chand Basha, aged 40 yrs, Driver of lorry No. AP.16TV. 6333 R/o Tripuranthapuram kota village, Nagulapuram Mandal, Chittoor District.
5. Sri Sangem Lakshman s/o Sitteyya, aged 19 yrs, Cleaner of lorry No. AP.04X. 2580,R/o D.No. 2-84, Charakonda village, Onguru Mandal, Mahaboob Nagar district.
6. Sri Nenavath Krishna Naik s/o Hemla Naik, aged 33 yrs, Driver of lorry No. TS.07.UB.1476, R/o Savaygudem thanda village, Vanaparthy Mandal, Mahaboob Nagar district.
7. Sri R. Karthav Rayan s/o Ramayya, aged 48 yrs, Driver of lorry No. AP26T.3069, Red Hills, Yedappalayam, 3/103, Munthiripalayam, Chennai, Tamilnadu state.
8. Sri Satrasala Sreenu s/o Venkataiah, aged 35 yrs, Driver of lorry AP07TD 9549, R/o Kompalli village, Halia Mandal, Nalgonda district, Telangana State.
9. Sri Ande Santha Ram s/o Punnaiah, aged 53 yrs, Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur district.
10. Sri T. Narasimha Reddy, District Inspector, ACB, Guntur.
11. Sri Ch.D.Santho, Dy. Supdt. Of Police, Anti-Corruption Bureau, Guntur.
12. If any witness found necessary they will be produced at the time enquiry.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER